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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,277	08/20/2001	Jennifer A. Jacobi	AMAZON.072A	4640
20995	7590	05/17/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,277

Applicant(s)

JACOBI ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02152005</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. The amendment filed on 02/23/2005 has been entered. Claims 36-47 are canceled due to a restriction and claims 1-35 are now pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knorr et al (US 2002/0077929 A1) in view of Wolfe (US 2003/0023687 A1) and further in view of Westrope et al (US 5,721,832).

Knorr discloses an electronic catalog system (online catalog), comprising: an electronic catalog (online catalog) of items that are available for purchase, the that include descriptions of the items, and electronic catalog including pages providing functionality for online users to select items to purchase (see abstract); a wish list application that provides functionality for users of the electronic catalog to create wish lists with items selected from the electronic catalog, and to purchase items as gifts from the wish lists of other users (page 1, [0006]); a database 210 which stores information about affiliations between the users (fig. 4). Knorr does not explicitly disclose determining whether the first item is on an electronic wish list of a user who is affiliated with the first user, and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user.

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Wolfe discloses a system that is capable of determining whether the first item is on an electronic wish list of a user who is affiliated with the first user, and (b) when the first item is determined to be on an electronic wish list of a second user who is affiliated with the first user by searching the profile store in the central database (page 4, [0053], lines 7-22), a notification (URL link) component which is responsive, to an online request from a first user for a catalog page which includes a description of a first item, and whereby users are notified, during browsing of the electronic catalog, when accessed items are on the electronic wish lists other users (page 4, [0053], lines 15-26; a stasher button allowing a user to view a refine list of session recommendation), a system which is designed to store user click stream or query log data reflecting the products viewed by each user during ordinary browsing of the online catalog (page 6, [0087]), a variety of methods that can be used to initiate the recommendations such as sending hyperlinks to the product information pages of the recommended items (page 4, [0053]), a user profiles database which stores account specific information about users of the site, the user's purchase history, including dates of purchase, a history of items recently viewed by the user to purchase (figs. 1, 3, 5), a method of purchasing an item as a gift for someone else based on gift they've already bought (page 4, [0053]).

Neither Knorr nor Covington discloses an electronic catalog with an audible messaging system but Westrope et al discloses a central data processor system for storing and indexing electronic catalog data, including graphic and audio message data (col. 2, lines 43-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize wish list disclosure as taught by Wolfe into the system of

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Knorr because it would provide a system that allows buyers to easily shop for others by searching for a user's wish list and personal preferences at the system Web and also allow the user to select one or more buyers from an address book and notify the selected buyers of a specific wish list via URL links. And it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the audible messaging system as taught by Westrope into the combined system of Knorr and Wolfe because it would provide a catalog process and system which provides efficient product and service selectivity to prospective customers and which selectively generates market profile data of user/customer (col. 2, lines 5-8).

Response to Arguments

4. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are directed toward Covington et al's reference which is not considered a prior art. A new reference was found and the claims are rejected in combination with the new reference.

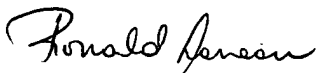
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau
Examiner
Art Unit 3627

5/5/05

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